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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,932	01/25/2002	Anthony G. Martin	50642.00025	8366

30256 7590 09/05/2003

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/056,932

Applicant(s)

MARTIN ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-29 are presented for examination.
2. Priority has been granted, and therefore the effective filing date is 6/29/2001.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Conley, Jr. et al., U.S. Patent No. 6,434,745; having an effective filing date of 9/15/1999.

5. As per claims 1,9, 17 and 25-29, Conley teaches a method for collecting information about a user, the method comprising:

- obtaining a set of rules for collecting information by a first application on a client and using the first application to monitor a second application that is used for accessing sites on the network (this is the first 3 limitations paraphrased and is taught as CONLEYS ability to use an event statistics

component **38** on the client **14** for monitoring browser usage [C5 L59- C6

L5; "The browser includes ... connected to a network."];

- storing a portion of the collected information on the client [C5 L62-63; "preferably, on the hard drive **20**."]; and
- receiving content via the network for presentment by the first application based on the stored information in the client [C8 L4-14; "The browser also executes any updating instructions provided by the web server ... files stored on end-user computers."].

5. As per claims 9, 17 and 27-28, the use of logic and computer code for implementing the disclosed system of Conley is inherent to the system of Conley.

6. As per claims 2, 10, 18 and 26-29, CONLEY teaches:

- collected information pertaining to behavioral information about the user [C5 L60-63; "for monitoring end user behavior ... on the hard drive."].

7. As per claims 3, 11, 19 and 26-29, CONLEY teaches:

- the rules being updated based on the collected information [C8 L4-14; "The browser also executes any updating ... on end-user computers."].

8. As per claims 4, 12 and 20, CONLEY teaches:

- a trigger wherein the collected information trips the trigger, and wherein a

Art Unit: 2121

notification is transmitted to a location via the network [C57-64; "Updating code detects the presence ... and executes a transaction to the web server ... and demographic data about the end-user."].

9. As per claims 5, 7-8, 13, 15-16, 21 and 23-24, CONLEY teaches:

- the rules are obtained/transmitted utilizing the network [Claim 8; "an analysis program on the network server ... accessible through said network server."].

10. As per claims 6, 14, 22 and 25-29, CONLEY teaches:

- one or more types of rules [behavioral information; Claim 1; C10 L5-7; "a means for monitoring end-user behavior ... end user's computer"].

11. As per claims 26-29, Conley teaches the use of transmitted identifiers [C7 L61-62; "passes information to the web server such as a unique identifier ..."].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S Patent No. 6,513,052; issued to Binder on 1/28/2003.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is

Art Unit: 2121

(703) 308-7001. The examiner can normally be reached Tuesday-Friday, 11:30 am – 10:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached at (703) 305-0282. The fax number for this examiner is (703) 746-5408.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9618.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:


(703) 746-7239, (for formal communications intended for entry)

Or:

(703) 746-7240, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Ronald D. Hartman Jr.
Patent Examiner
Art Unit 2121
August 27, 2003


ANIL KHATRI
SUPERVISORY PATENT EXAMINER